

ATTACHMENT 1

Performance Work Statement

PERFORMANCE WORK STATEMENT

Underground Injection Control and Underground Storage Tank Inspection Support in Region 2

I. BACKGROUND:

The United States Environmental Protection Agency (EPA), Region 2, Division of Enforcement and Compliance Assistance (DECA) in compliance with the Safe Drinking Water Act (SDWA) Amendments of 1986, is responsible for the implementation of Underground Injection Control (UIC) Program in New York State. The SDWA provides a State with primary enforcement responsibility (primacy) by the class of wells once that State has adopted regulations at least as stringent as those promulgated by EPA. EPA is responsible for enforcing the federal regulations (by class) in those States that have not adopted the federal regulations (direct implementation), such as New York State.

In addition, in compliance with the Resource Conservation and Recovery Act (RCRA), as amended by the Energy Policy (EP) Act of 2005, the EPA is responsible for the implementation of the Underground Storage Tank (UST) Program. Under the EP-Act amendments to RCRA Subtitle I, the UST Program is responsible, in states that do not have State Program Approval, for insuring that all federally regulated USTs are inspected once every three years.

The Ground Water Compliance Section (GWCS) of the Water Compliance Branch of DECA is responsible for the UIC program. Similarly, the Underground Storage Tank Team (USTT) of the RCRA Compliance Branch is responsible for the UST program. The compliance monitoring of UST and UIC facilities is conducted by individuals with knowledge and training in both programs. As such, the EPA is seeking contractor support in performing UST and UIC inspections in EPA Region 2 (New York, New Jersey, Puerto Rico and the U.S. Virgin Islands).

II. PURPOSE:

The Contractor shall collect data in accordance with specific written technical direction documents to support the Agency's efforts in compliance monitoring activities for various classes or subclasses of UIC wells and USTs. The contractor shall furnish the materials and equipment, and provide the necessary professional, technical and supporting personnel for performance of the work required under this contract.

III. TECHNICAL REQUIREMENTS:

A. Performance, Compliance Monitoring and Technical Support

The contractor shall provide support with compliance inspections. This support shall include the following: conducting routine UIC inspections (including witnessing dye tests and collecting fluid-level measurements), conducting routine UST inspections, witnessing mechanical integrity tests (MIT), witnessing plugging and abandonment (P &

A) of wells, participating in meetings, giving technical and litigation support, delivering prohibition support as requested, and collecting photographic and global positioning system (GPS) location data. Photographs and GPS locational data shall be collected for facilities that may contain Class I, II, III, IV and V wells and at facilities that have federally regulated USTs. All tasks shall be specified in monthly technical direction documents.

IV. TASKS:

- A. SDWA UIC Compliance Inspections - In accordance with EPA Order 3500.1, the contractor shall perform pre-inspection activities and conduct field testing and measurement activities as specified in written technical direction documents, take photographs and collect global positioning system (GPS) locational data on first time visits, or on visits to facilities which have not been sited by GPS. For Class I, Class II and Class III wells, the location of the well at the wellhead shall be collected. For Class IV and V facilities, a location collected at the entrance of the facility is required. The technical direction documents will provide the contractor with the names and locations of each system or facility to be inspected along with all background materials needed to conduct the inspections. The contractor shall collect data necessary to identify any unauthorized injection wells that are observed while conducting the compliance inspection. The contractor shall photograph all sites for identification. SDWA inspection reports will consist of a Notice of Inspection page, a diagram page, an inspection page (submitted digitally) and a photograph. The contractor shall forward to the Contracting Officer Representative (COR) any documentation provided by the facility owner/operator, such as blueprints, MSDS sheets, or copies of permits.

While in the field, if the contractor comes across other facilities in the location where inspections are occurring that may be potential UIC facilities, the inspector may request permission from the COR to also inspect these facilities. The COR will provide a timely response to said request by phone or e-mail and then amend the technical direction document for the inspection period accordingly.

- B. RCRA Subtitle I UST Compliance Inspections - In accordance with EPA Order 3500.1, the contractor shall perform pre-inspection activities, conduct field testing and measurement activities as specified in written technical direction documents, collect photographs and global positioning system (GPS) locational data on first time visits, or on visits to facilities which have not been sited by GPS. For UST facilities, a location collected at the entrance of the facility is required. The technical direction documents will provide the contractor with the names and locations of each system or facility to be inspected, along with all background materials needed to conduct the inspections. The contractor shall collect data necessary to identify any UST or component thereof so that EPA may determine compliance with the RCRA Subtitle I. The contractor shall photograph all sites for identification. RCRA Subtitle I inspection reports will consist of a Notice of Inspection page, the UST Inspection Checklist (Attachment 1 – As Amended 11/4/2010) and photographs of the site. The UST inspection spreadsheet provided in the technical direction document shall be completed and submitted digitally.

- C. Witnessing of Well Mechanical Integrity Tests (MIT) - The contractor shall witness injection well MITs. The contractor shall record observations and results of the MITs so that a determination can be made regarding a well's compliance with mechanical integrity UIC regulations.
- D. Witnessing of Well Plugging and Abandonment (P&A) Procedures - The contractor shall witness P&A of injection wells. The contractor shall record observations and results of the P&A and determine if the operators are performing work in accordance with an EPA approved injection well P&A plan or closure plan.
- E. Meeting Support - The contractor shall provide meeting support services when requested. A technical direction document will be issued to request support along with the number of days the contractor is required to attend the conference, workshop or meeting related to UST or UIC program.
- F. Technical and Litigation Support: The contractor shall provide the specified support when requested. Requests for support will be identified as: technical or litigation support in which a specific duration (in hourly increments) will be identified in the technical direction document.
 - 1) Technical Support: The contractor may be asked during normal working hours to answer questions based upon technical knowledge and field observations. These technical support sessions shall not include casual telephone calls or e-mails to complete reports or correct data submitted.
 - 2) Litigation Support: Inspections performed by the contractor may lead to enforcement actions. In these instances, the inspector shall provide technical support to the EPA program office, Office of Regional Counsel and/or Criminal Investigation Division, as well as the United States Department of Justice. Litigation support may include telephonic or in person interviews with the inspector who performed the inspection in question, and/or attending meetings and/or testifying in court regarding the inspection results that the inspector reported. It is anticipated that 5 - 10 cases per year may require this litigation support. When travel to and from court or in person interviews are required, the litigation support shall no longer be an hourly support service. Instead, the litigation support shall be the daily meeting support rate. Litigation support also includes research at the county courthouse or wherever land ownership records are maintained to determine the ownership of a property and/or mineral rights such as an oil lease.
- G. Delivery Prohibition Support: The contractor shall provide delivery prohibition support when requested. The COR will request the support or in the circumstances, as outlined below, the contractor will initiate a call to the COR for delivery prohibition support.

EPA believes that delivery prohibition is a remedy for severe violations, emergency situations, near emergency situations, and repeated violations. Delivery prohibition can be applied by EPA on a tank-by-tank basis and not to an entire facility unless the violations warrant such an action. As a general matter, delivery prohibition will be used for clear-cut and easily verifiable violations. Given the potential severity of this remedy, EPA does not intend for delivery prohibition to be used for minor violations. The contractor shall report to EPA by telephone any inspected facilities that are in serious non-compliance with federal UST regulations. They include, but are not limited to:

- 1) One or more violations that may pose an imminent or severe threat to human health, safety, or the environment, i.e.: a high likelihood of a leak. Examples include, but are not limited to:
 - a) No or improper installation of required equipment, i.e.: corrosion protection is not installed on a steel tank;
 - b) Non-functioning or inability to verify functionality of spill prevention equipment, overfill protection, release detection, or corrosion protection equipment; or
 - c) Any other violation that threatens the structural integrity of any portion of the UST system.
- 2) No evidence to financial responsibility for taking corrective action;
- 3) Recalcitrant violators that have not responded to traditional enforcement tools;
- 4) Existing emergency situations, such as an ongoing leak or evidence of a leak; or
- 5) One or more violations exist where the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce, or mitigate the actual or potential damages to human health, safety, or the environment. This includes situations where it is determined that an emergency is likely to occur if the UST receives another delivery.

Upon the direction of the COR, which may be in response to the information provided during the telephone notification by the contractor, or at any other such time as the contractor is instructed to do so, the contractor shall provide written notification to the facility representative of EPA's intent to prohibit deliveries of regulated substance(s) into specified USTs. The contractor shall affix a tag and/or cover onto fill ports of affected USTs. The contractor shall determine the volume of regulated substance in the UST at the time the delivery prohibition is imposed. Subsequent to EPA's imposition of a delivery prohibition either in response to a contractor's inspection or independent of the contractor's inspection, the contractor may be directed by EPA to remove the affixed tag and/or cover when EPA removes the delivery prohibition.

- H. GPS Location Data Collection - The contractor shall collect GPS location data on sites assigned by the technical direction document but could not be inspected for various reasons. The contractor shall state the reasons in the report accompanying the GPS data. GPS data collection may also be assigned for specific sites that will not be inspected. The contractor shall take a photograph of all GPS sites for identification. GPS location data shall be collected in accordance to the document "Office of Environmental Information: Global Positioning Systems - Technical Implementation Guidance" which can be found at http://www.epa.gov/esd/ggc/pdf/InterimGuidance_for_GPS-SOP-QAPP.pdf.

V. OTHER DIRECT COSTS:

Transportation (including mileage, car rental and airline travel), per diem and lodging travel cost will be reimbursed as per the GSA Federal Travel Regulation.

VI. DELIVERABLES:

Monthly reports addressing the status of work performed on items specified on the technical direction documents shall be submitted no later than the 10th of each month. Information collected from each inspection shall be digitally recorded (for UST inspections entered in a hand-held personal data assistant (PDA), the PDA database will be uploaded to an online storage link with a copy submitted to the COR on a memory card or data disk, as part of the monthly report. The database will be synchronized by EPA with the primary Underground Storage Tank Data System and then an updated database will be uploaded by EPA to the online storage link for the inspector to retrieve and install back on the PDA each month. The monthly report shall list the number of compliance inspections (UIC, UST), MIT's P&As, GPS locations surveyed, delivery prohibition support performed, hours of meeting/technical/litigation support and the amount of breakdown of travel incurred during the reporting period.

A. For UIC facilities:

- 1) Operator name and address
- 2) Property owner name and address
- 3) UIC Well Type (Class I, II, III, IV or V)
- 4) Action item title (Compliance Inspection, MITs, P&As, or GPS)
- 5) Date and time
- 6) Person(s) contacted during field operation
- 7) Written description of field operation including site diagrams (Compliance Inspection, MITs, P&As, or GPS)
- 8) Data specifics of Compliance Inspection, MITs, P&As, and GPS locations

B. For UST facilities:

- 1) Operator name and address

- 2) Property owner name and address
- 3) UST checklist filled out completely
- 4) Date and time
- 5) Person(s) contacted during field operation
- 6) Written description of field operation including site diagrams
- 7) Data specifics of Compliance Inspection

The monthly report shall also include pending work that has not been addressed which was present on previous technical direction documents. An explanation addressing the reasons for not performing the work shall be included in the monthly report.

VII. LOCATION OF INSPECTIONS:

The inspections will take place in the EPA Region 2 area of responsibility (New York, New Jersey, Puerto Rico and the U.S. Virgin Islands).

VIII. TECHNICAL DIRECTION DOCUMENT:

The Contracting Officer Representative will issue monthly Technical Direction Documents listing individual inspection sites, type of inspections to be performed and the deliverable requirements. Wherever feasible, the COR will group inspections per geographic location. Technical Direction Documents will be issued in accordance to the Technical Direction clause in Section H.

IX. QUALITY ASSURANCE SURVEILLANCE PLAN:

The following Quality Assurance Surveillance Plan outlines the performance standard for determining the contractor's success in meeting the requirements, the acceptable quality level from the standard that the Government will accept for the contractor to receive an award term and the method of surveillance the Government will utilize to monitor the contractor's performance.

The following tasks will be measured in accordance with this Quality Assurance Surveillance Plan and evaluated in accordance with the clause entitled "Award Term Incentive Plan."

QUALITY ASSURANCE SURVEILLANCE PLAN			
PWS TASKS	PERFORMANCE STANDARD	ACCEPTABLE QUALITY LEVEL	METHOD OF SURVEILLANCE
A, B, C, D, and H	Perform the assigned inspections in the monthly technical direction document and submit the month report to the COR no later than the 10th of each month.	Contractor shall complete at least 80% of all assigned tasks in the monthly technical direction.	The COR will monitor completion of tasks using the monthly report and technical direction document.

Performance shall be measured by the percent of tasks completed as specified on technical direction documents. Monthly technical direction documents may present several options or be amended to accommodate operators special circumstances/needs or provide revisions based on unforeseen conditions, such as severe weather. In order to earn an Award Term, the contractor shall achieve the acceptable quality level for the Award Term Evaluation Period outlined in the "Award Term Incentive Plan."

X. INSPECTOR CREDENTIALS:

The EPA Region II Office (Ground Water Compliance Section) will provide each inspector with appropriate credentials, such as a Letter of Introduction/Authorization to Inspect signed by the DECA Division Director, which will include a picture of the contract inspector. This letter will specify that inspector is authorized to perform site inspections as a contractor to the EPA. Upon arrival at an inspection location, the contract inspector will identify himself as a contractor to the EPA by presenting the Letter of Introduction/Authorization to Inspect to the facility owner/operator, or duly delegated representative.